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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,319	07/24/2003	Ching-Ho Lien	1121030	2286

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PRO-TECHTOR INTERNATIONAL SERVICES
20775 Norada Court
Saratoga, CA 95070-3018

EXAMINER

HYUN, PAUL SANG HWA

ART UNIT	PAPER NUMBER
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1743

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/627,319	LIEN, CHING-HO	
	Examiner	Art Unit	
	Paul S. Hyun	1743	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The abstract of the disclosure is objected to because there is insufficient antecedent basis for the words "the meter" in line 9 of the Abstract. The words "the meter" should be changed to "a meter". Correction is required. See MPEP § 608.01(b).

Claim Objections

Claim 1 is objected to because of the following informalities:

The word "an" should be inserted between the words "in" and "ammeter" in line 2 of the claim. Moreover, the word "been" recited in lines 8 and 10 of the claim should be deleted.

Claim 3 is objected to because of the following informalities:

The word "comprises" in line 6 of the claim should be changed to "comprising".

Appropriate corrections are required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not clear exactly what bio-carbon is. It cannot be determined from the disclosure what bio-carbon is and how it can form an electrically conductive circuit compatible with an ammeter. Further elaboration of bio-carbon is necessary because it does not appear that carbon is electrically conductive.

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim as presented recites "an elongated transmission section connected between said front probe end and said rear contact end". This limitation is indefinite since the claim does not recite the second member to which the elongated transmission section is connected. It appears from the Drawings that the "transmission section" recited in the claim connects the front probe end and the rear contact end. It appears that Applicant intended the claim to recite "an elongated transmission section connecting said front probe end and said rear contact end". For examination purposes, the claim will be interpreted as so.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by McAleer et al. (US 6,241,862 B1). The reference discloses a disposable test strip adapted to receive a liquid sample (i.e. blood) wherein the test strip is inserted in a test meter to conduct an electrochemical analysis (i.e. concentration determination) of the sample. The test strip 10 is a narrow, elongated strip of substrate with a circuit pattern formed in the strip. The circuit pattern comprises a first circuit 101 and a second circuit 102 in proximity of one another such that the two circuits form a complete circuit when a sample is deposited into a protruding guide portion in the form of nylon meshed reagent/blood separation layer 17 that guides the sample to a sample accumulation space defined between the two circuits (see line 57 col. 2 – line 3 col. 3, lines 9-19 col. 4 and Fig. 1B). Once the sample is contacted by the probe ends 108 and 107 of the two circuits, a signal produced by the reaction between the sample and an enzyme disposed on the reagent/blood separation layer (see lines 31-41 col. 6) is transmitted to rear contact ends 104 and 105 of circuits 101 and 102, respectively, by means of elongated transmission section connecting the front probe ends and the rear contact ends (see Figs. 10A-10D). The rear contact ends 104 and 105 provide contact with the meter (see lines 41-51 col. 10). Figure 10C also shows an auxiliary contact that is in

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communication with the transmission section of circuit 102 and spaced between the rear contact ends of the two circuits.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over McAleer et al. The reference discloses the test strip as recited in claim 1, but the reference does not show the front probe end of circuit 102 extending around both sides of the front probe end of circuit 101. Figure 10B shows that the front probe end of circuit 102 stops at the bottom/top of the front probe end 103 of circuit 101.

However, it would have been obvious to one of ordinary skill in the art to extend the length of circuit 102 so that it wraps around the lateral sides of circuit 101. The added length would provide a better entrapment of the liquid sample in the sample accumulation space located between the two circuits.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Rappin et al. (US 6,572,745 B2).

Rappin et al. disclose a test strip that is analyzed by an electrochemical meter. The test strip comprises electrodes protrude from the body of the test strip and connect to a meter (see claim 36 and Fig. 7). The reference also discloses that electrode 54 works as an auxiliary electrode.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul S. Hyun whose telephone number is (571)-272-8559. The examiner can normally be reached on Monday-Friday 8AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on (571)-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jill Warden
Supervisory Patent Examiner
Technology Center 1700